



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,370	04/13/2000	Michael Brader-Araje	9144-5	8285

20792 7590 08/15/2006

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,370

Applicant(s)

BRADER-ARAJE ET AL.

Examiner

Matthew S. Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,9 and 54 is/are pending in the application.
- 4a) Of the above claim(s) 10-53 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 54 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

- Claims 1-2, 4-6, 8-9 and 54 are pending in the instant application.
- Claims 10-53 have been cancelled without prejudice.
- Claims 1-2 and 54 are rejected under 35 U.S.C. 103(a).

Allowable Subject Matter

- Claims 6, 8 and 9 are allowable over the prior art of record.

Claim Objections

Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (U.S. Patent No. 7,047,210) in view of Ortega (U.S. Patent No. 6,549,904).

Referring to claim 1. Srinivasan discloses a method of monitoring information maintained at an intermediary web site (Srinivasan: Fig. 1, "Scan Site **18**") on a computer network (Srinivasan: Fig. 1, "**16**") about items being auctioned at a plurality of remotely located auction sites (Srinivasan: column 3, lines 54-64, "Auction site **22** may include a plurality of auction sites and may also be running in the same site as scan site **18**.")) on the computer network, wherein the information is displayable to users accessing the intermediary web site via the computer network (Srinivasan: column 3, line 65 to column 4, line 10).

Srinivasan does not expressly disclose a method of updating auction information.

Ortega discloses a method of updating auction information, the method comprising:

- Obtaining auction item data that has changed since a previous time for auctions currently being conducted at a respective auction site, wherein the auction site

includes a data engine that is configured to obtain data about each item currently being auctioned at the auction site, and wherein a web site includes an agent that is configured to communicate with and retrieve auction item data from a auction site data engine (Ortega: abstract, "The notification system periodically determines whether any new auctions satisfy a selection specification by submitting a query to an auction database and then notifies the users when new auctions are identified. The notification may include a list of auctions that is sorted based on access patterns of users who are presented with lists of auctions using selection specifications with similar category, attribute, or keyword values."), comprising:

- Establishing a TCP/IP connection (Ortega: Fig. 4, "403") between the agent (Ortega: Fig. 4, "402") and each respective data engine (Ortega: Fig. 4, "404"); and
- Sending an HTTP request from the agent (Ortega: Fig. 4, "402") to each respective data engine via the TCP/IP connection to obtain auction item data that has changed since a previous time (Ortega: at least column 5, line 66 to column 7, line 44, "The request notification component inputs selection specifications from users and stores those selection specifications in the selection specification database. The send notification component periodically determines whether any new auctions satisfy each selection specification in the selection specification database. When a new

Art Unit: 3625

auction is identified for a selection specification, the notification system notifies the users who are mapped to that selection specification.”);

- o Extracting keywords from the obtained item data (Ortega: Fig. 1); and
- o Storing the extracted keywords, wherein the stored keywords are searchable by users accessing the intermediary web site (Ortega: column 4, line 58 to column 5, line 18).

It would have been obvious to one of ordinary skill in the art to have incorporated the invention of Srinivasan in a method for updating auction item data (as taught by Ortega) in order to fulfill a need for Internet based auctions in which the basic principles of supply and demand are followed more accurately than existing Internet based auctions (Srinivasan: column 1, lines 42-45).

Referring to claim 2. Srinivasan in view of Ortega discloses a method according to claim 1 as indicated supra. Ortega further discloses a method wherein obtaining auction item data that has changed since a previous time is performed at predetermined time intervals (Ortega: column 10, lines 27-29).

It would have been obvious to one of ordinary skill in the art to have incorporated the invention of Srinivasan in a method for updating auction item data (as taught by Ortega) in order to fulfill a need for Internet based auctions in which the basic principles of supply and demand are followed more accurately than existing Internet based auctions (Srinivasan: column 1, lines 42-45).

Art Unit: 3625

Referring to claim 54. The limitations of claim 54 closely parallel those of claim

1. Claim 54 is rejected under the same rationale as set forth above in claim 1.

Response to Arguments

Applicant's arguments with respect to claims 1-2 and 54 are moot in view of the new grounds of rejection.

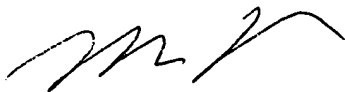
Art Unit: 3625

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Primary Examiner
August 8, 2006